



## **TOWN OF HOPKINTON, NEW HAMPSHIRE RULES & REGULATIONS Alcoholic Beverage-Open Container Ordinance**

**ORDINANCE NO: 07-02**

### **1.0 Purpose**

In the interest of promoting public health, safety, and general welfare of all citizens of Hopkinton and other individuals who may frequent the Town of Hopkinton, the Select Board has an interest in controlling the consumption and or possession of an alcoholic beverage within or upon any public place, street, or way within the Town of Hopkinton.

### **2.0 Authority**

Pursuant to the authority of NH RSA 31:39, 41:8, 41:11, 41:11a, and any other applicable Revised Statutes Annotated, the Select Board of the Town of Hopkinton hereby ordain as follows:

### **3.0 Possession or Consumption of Alcoholic Beverages**

#### **3.1 Consumption of Alcoholic Beverages**

It shall be unlawful for any person to consume any beer, ale, wine, wine cooler, liquor or an other alcoholic beverage as defined in RSA 175:1 VIII and XLII within the limits of any public land , or any public building owned or under the control of the Town of Hopkinton or on any public way, street, avenue, alley, highway, road, sidewalk, parking lot, square, school grounds, public land, public park, or public building within the limits of the Town of Hopkinton, unless a valid Town Alcohol Permit has been issued by the Town of Hopkinton.

#### **3.2 Possession of Alcoholic Beverages**

It shall be unlawful for any person to carry, possess, or have any opened container of beer, ale, wine, wine cooler, liquor or any other alcoholic beverage as defined in RSA 175:1 VIII and XLII within the limits of any public land, or any public building owned or under the control of the Town of Hopkinton or on any

public way, street, avenue, alley, highway, road, sidewalk, parking lot, square, school grounds, public land, public park, or public building within the limits of the Town of Hopkinton, unless a valid Town Alcohol Permit has been issued by the Town of Hopkinton.

### **3.3 Consumption of Liquor on Private Property**

It shall be unlawful for any person to consume any beer, wine, wine cooler, liquor or any other alcoholic beverage as defined in RSA 175:1 VIII and XLII within the limits of any privately owned land or within the common area of any privately-owned building without the permission of an owner or person in control thereof.

## **4.0 Licensing of Alcohol Use on Town Property**

In accordance with the provisions of Sections 3.1 and 3.2 of this ordinance and RSA 178:22(1), any voluntary nonprofit organization or private group seeking to serve and offer alcohol for consumption on closed Town streets, in Town buildings, and in Town parks shall first apply for the applicable permit with the Town of Hopkinton.

1. To qualify for a Town Alcohol Permit under this Ordinance, the voluntary nonprofit organization or private group shall obtain a license from the New Hampshire Liquor Commission under RSA 178:22(1)
2. The Town shall create a Town Alcohol Permit application process, which shall include standards for issuance of the permit to serve and offer alcohol for consumption on Town property.
3. No permit to serve and offer alcohol for consumption on Town property shall be granted between the hours of 10:00 p.m. and 9:00 a.m.
4. The Town Administrator shall review the application for completion and transfer it to the Select Board for approval.
5. To the extent that the application meets all the standards for issuance of a permit, the Select Board may conditionally issue the permit, which shall not become valid until the applicant provides the Town with an RSA 178:22 (1) license from the New Hampshire Liquor Commission for the applicable permit issuance time period.

**4.1 Town Alcohol Permit to Serve and Offer Alcohol for Consumption on Town Property Fee**

The permit fee for the issuance of this permit shall be established by the Select Board as part of the approved permit process policy.

**5.0 Enforcement**

This Ordinance shall be enforced by the Hopkinton Police Department or any police agency having jurisdiction within the limits of said town.

**6.0 Penalty**

Any person found violating this Ordinance shall be issued a civil forfeiture in the amount of \$100.00 for the first offense and for each successive offense a civil forfeiture of \$250.00. This will be paid to the Town of Hopkinton, at the Town Clerk's office within 15 days of issuance. Failure to comply with this procedure will result in a summons to Circuit Court.

This Ordinance supersedes all other applicable ordinances issued by the Town of Hopkinton relative to the regulation of alcoholic beverages and shall take effect upon its adoption by the Select Board.

**Revision History**

<b>Revision</b>	<b>Change</b>	<b>Date</b>
Original	Adopted by the Select Board	3/19/2007
Amended	Amended by the Select Board	4/29/2019
Amended	Amended by the Select Board	7/6/2021